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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 5305 OF 2022**

Remy Lobo & Anr	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Ms Savina R Crasto, *i/b Right & Rights, for the Petitioners.*
Mr SB Gore, AGP, *for the Respondent-State.*
Mr Ashutosh Kulkarni, *with Siddharth Shitole, for Respondent No. 2-*
MHADA
Mr Jahangir Khan, *with Amanullh Khan, for Respondent No. 3.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 26th October 2023

PC:-

1. The Petition can be disposed of with a short order noting the submissions made on behalf of 2nd Respondent, Maharashtra Housing and Area Development Authority (“**MHADA**”) and the 3rd Respondent, the developer. The Petitioners occupied Room No. 16 on the second floor in Lucky Mansion at Clare Road, Byculla. Their father, Bento Lobo, was on the records of MHADA as the tenant of those premises. Bento passed away. The Petitioners are his heirs. But they have not produced any documents of heirship nor an indemnity.

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2. Both Petitioners were subjected to proceedings under Section 95A (3) of the MHADA Act, 1976. They are presently in a transit accommodation on a leave and license that is paid for by the developer. We note the statement by the developer that it will continue to pay the leave and license fees until the Petitioners are put in possession of alternative premises. The Petitioners will be entitled to the execution of a Permanent Alternative Accommodation Agreement (“PAAA”) exactly on parity with all other tenants as certified by MHADA. We make it clear that the Petitioners will under no circumstances be entitled to any additional or special benefits.

3. In addition, the execution of a PAAA will be subject to the Petitioners providing (i) an order of a Court of competent jurisdiction establishing heirship or succession to the father’s estate and (ii) a full indemnity to the 2nd and 3rd Respondents indemnifying from all claims of every description from any third parties. Both will be required. Failing this there can be no execution of a PAAA. The redevelopment is by no means complete. The old building has recently been brought down. Redevelopment will take some time. The Petitioners must produce the necessary documents within the next 12 to 18 months. That is not an unreasonable period of time in which to obtain a document establishing succession.

4. We accept as undertakings to the Court, the statements made on behalf of the 3rd Respondent that the payment of the leave and license agreement will continue. We also accept the statement that the 3rd Respondent will execute a PAAA.

5. However, both these undertakings are subject to the requirement that the Petitioners must produce before MHADA the necessary documents of heirship and the indemnities within the period we have indicated earlier.

6. No further orders are required. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)